

REMARKS

Claim 10 has been amended to correct an obvious typographical error.

Claim 20 has been amended to reflect dependency on claim 19. It is believed that this amendment overcomes the object to this claim.

No new matter has been added to the disclosure by the foregoing amendment.

Entry is requested.

Claims 1-4, 6-10 and 12-20 are rejected under 35 U.S.C. § 112, second paragraph. The examiner maintains the position that the recitation of "about" as used in the claims (at *least about*) is indefinite because it is not clear where the upper and lower bounds of the limitations lie exactly. In maintaining this rejection, the examiner refers to 18 USPQ2d 1016. Applicants respectfully disagree.

Applicants' claims require an adhesive and a binder component. The binder component comprises a first and a second binder. The two binders must have glass transition temperatures (Tgs) separated by at least 20°C. Unlike the determination of specific activity determined by a bioassay deemed to be imprecise forms of measurement coupled with a range of error, the Tg of a binder is a an measurement that that is readily determinable and reproducible. Moreover, the claimed limitation refers to the difference in Tgs of two binders, not the precise Tg of one binder or the other. The case law noted by the examiner is not applicable to the claim limitations recited in the subject application.

Applicants submit that use of the terms "at least about" is not vague and indefinite. The claims, as recited, clearly and specifically describe applicants' invention and let those of skill in the art know the metes and bounds of the claimed invention. Reconsideration and withdrawal of the Section 112, second paragraph rejection is requested.

Claims 1-4 and 6-15 and 18 are rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 5,409,977 (Sitaramiah et al.) and 3 and 4 are rejected under 35 U.S.C. § 103 (a) as being anticipated by U.S. Patent No. 5,409,977 (Sitaramiah et al.).


Claims 16, 17, 19 and 20 have not been rejected over prior art. Applicants submit that the Section 112 rejection has been overcome and respectfully request that claims 16, 17, 19 and 20 be indicated as being allowable over the cited art of record.

Applicants submit that the evidence provided by the examiner fails to support the examiner's assertion that the glue stick of claim 5 of Sitaramiah discloses an adhesive comprising acrylic microspheres and a binder component made up of binders having T<sub>g</sub>s separated by at least 20°C. Moreover, Sitaramiah fails to disclose or suggest the method of applicants' claim 10 wherein the tack and/or peel of an adhesive comprising acrylic microspheres and a binder is adjusted by the addition of a second binder component. Sitaramiah is also silent as to a method of tailoring an adhesive as required in applicants' claim 19. Finally, the glue stick of Sitaramiah does not suggest articles such as disposable absorbent articles of claim 16 or contact labels of claim 17.

The disclosure of Sitaramiah neither anticipates the invention of claims 1, 2, 6-15 or 18 nor renders obvious the invention of claims 3 or 4. Reconsideration and withdraw of is requested.

Early and favorable action is solicited.

Respectfully submitted,

  
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